



STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of ch. 283, Wis. Stats., and ch. NR 216, Wis. Adm. Code, any **Tier 3** private, local, state or federal facility as defined in ch. NR 216, Wis. Adm. Code, and located in the State of Wisconsin, excluding initial coverage within Indian Country after September 30, 2001, that discharges

STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY

and meeting the applicability criteria in Part I of this permit, is permitted to discharge storm water to waters of the state (including surface waters, wetlands, groundwater, and municipal and private separate storm sewers) provided that the discharge is in accordance with the conditions set forth in this permit.

This permit is issued by the Department of Natural Resources (Department) and covers storm water discharges as of the date of issuance to the facility. This permit will be transmitted by the Department to the permittee along with an attached cover letter stating that coverage under this general permit is appropriate. *This permit will become effective at a facility beginning upon the **Start Date** specified by the Department in the cover letter.*

This permit to discharge storm water shall expire at midnight, March 31, 2006.

State of Wisconsin Department of Natural Resources,
For the Secretary

By

Al Shea
Director, Bureau of Watershed Management

Date of Signature

**Tier 3 General Permit for the Discharge of
Storm Water Associated with Industrial Activity**

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PART I. STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY ELIGIBLE FOR COVERAGE BY THIS PERMIT.

A. Applicability. This permit is applicable to point sources which discharge storm water associated with industrial activity to the waters of the state, either directly or via a separate storm sewer system, originating from industrial facilities listed in s. NR 216.21(2)(a) or (b) Wisconsin Administrative Code, that have certified to the Department that they have no discharges of contaminated storm water and for which the Department has concurred with the certification.

"Contaminated storm water" means storm water that comes into contact with material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts, or industrial machinery in the source areas listed in Part III.D.

B. Authorized Discharges. This permit authorizes storm water point source discharges to waters of the State from industrial facilities identified in Part I.A. of this permit. This permit also authorizes the discharge of storm water commingled with flows contributed by process and non-process wastewater, provided those flows are regulated by other WPDES permits.

C. Movement to Tier 1 or Tier 2 Coverage. The Department may revoke coverage of a Tier 3 permitted facility if the Department determines that the facility is not in compliance with the terms of this permit. In this case, the permittee shall reapply for Tier 1 or Tier 2 general permit coverage.

D. Exclusions. This general permit does not apply to the following:

(1) Storm water discharges within Indian Country that are seeking initial coverage under this permit after September 30, 2001. Contact the DNR Northeast Regional office at (920) 492-5800 or the DNR Central office at (608) 267-7694 for non-Indian discharges within Indian Country to determine if state permit coverage from the Department is required. Storm water discharges within Indian Country from non-tribal lands that have state coverage under this general storm water permit prior to September 30, 2001 may continue to be covered under this state general permit for purposes of state law.

(2) Storm water discharges that affect wetlands, unless the Department determines that the storm water discharges is in conformance with the wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code.

(3) Storm water discharges that affect endangered and threatened resources, unless the Department determines that the storm water discharges is in conformance with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats. and ch. NR 27, Wis. Adm. Code.

(4) Storm water discharges that affect any historic property that is listed property, or on the inventory or on the list of locally designated historic places under s. 44.45, Wis. Stats., unless the Department determines that the storm water discharges will not have an adverse effect on any historic property pursuant to s. 44.40 (3), Wis. Stats.

PART II. APPLICATION REQUIREMENTS.

Date of Application. Persons discharging storm water associated with industrial activity from existing facilities after November 1, 1994 should have filed an application with the Department or under the group application process through the U.S. Environmental Protection Agency. If you have filed an application already, a separate application is not necessary for this Tier 3 general permit. Those existing facilities that

have not yet applied, must do so. Persons proposing to discharge storm water associated with activity at new industrial facilities shall submit to the Department a completed storm water permit application at least 6 months prior to the commencement of activities at the site.

Forms. Application forms (DNR Form 3400-163) can be obtained from the Department regional offices or by writing to the Department of Natural Resources, Storm Water Program – WT/2, Box 7921, Madison, WI 53707-7921.

Letter of Request. Persons seeking coverage under this permit should send a written request with their initial application. In the case of facilities already covered by a Tier 1 or 2 general storm water discharge permit, the letter of request should be sent with their completed Storm Water Pollution Prevention Plan Summary (Form 3400-167).

Self Determination and Certification. The Department will respond to the request for Tier 3 coverage by requesting facility representatives to voluntarily complete a Self Determination and Certification (Form 3400-171). The self determination form focuses on exposures of storm water to industrial activities at the facility and will assist the Department in determining the tier type of general permit. The self determination form will also have a certification section. In making the certification, persons shall state that they have no discharges of contaminated storm water. Self Determination and Certification forms may be obtained from the Department regional offices or by writing to the Department of Natural Resources, Storm Water Program – WT/2, Box 7921, Madison, WI 53707-7921.

The Department will evaluate the information submitted in the application and certification to determine whether a facility should be covered under the Tier 3 permit. In making the evaluation, the Department may inspect the facility. If coverage under this permit is determined appropriate, the Department will concur with the certification and transmit a copy of this permit to the facility with a cover letter indicating the date upon which the permit becomes effective at the facility.

PART III. MONITORING REQUIREMENTS.

A. Purpose. Monitoring includes site inspections and non-storm water discharge evaluations. The purpose of monitoring is to verify that storm water discharged from the facility is not contaminated by industrial activity, and to evaluate storm water outfalls for the presence of non-storm water discharges.

B. Annual Facility Source Exposure Inspection (FSEI). Tier 3 facilities shall perform an annual facility source exposure inspection during each year of this permit. The inspection must be adequate to verify that storm water discharged from the facility is not contaminated by industrial activity, and to evaluate stormwater outfalls for the presence of non-storm water discharges.

C. Evaluation of Non-Storm Water Discharges. The permittee shall evaluate all storm water outfalls for non-storm water contributions to the storm drainage system for the duration of this permit. Any monitoring shall be representative of non-storm water discharges from the facility and shall consider seasonal or cyclical activities.

(1) Evaluations shall take place during dry periods.

(2) Either of the following monitoring procedures is acceptable:

(a) **End of Pipe Screening**. End of pipe screening shall consist of visual observations made at least twice per year, beginning with the first year of the permit, at each outfall of the storm sewer

collection system. Instances of dry weather flow, stains, sludge, color, odor, or other indications of a non-storm water discharge shall be recorded.

(b) **Detailed Testing.** A detailed testing of the storm sewer collection system may be performed during the first year of the permit. Acceptable testing methods include dye testing, smoke testing, or video camera observation. The Department shall require a re-test after 5 years for those facilities that continue to be covered by this general permit (according to Part V.D.) after the expiration date.

D. Potential Sources Areas of Storm Water Contamination. The annual facility source exposure inspection shall consider all potential source areas of storm water contamination, including but not limited to:

- outdoor manufacturing areas;
- areas of significant soil erosion;
- industrial plant yards;
- immediate access roads and rail lines;
- material handling sites (storage, loading, unloading, transportation, or conveyance of any raw material, finished product, intermediate product, by-product or waste);
- refuse sites;
- disposal or application of wastewater;
- vehicle maintenance and cleaning areas;
- any other areas capable of contaminating storm water runoff.
- rooftops contaminated by industrial activity or a pollution control device;
- storage and maintenance areas for material handling equipment;
- shipping and receiving areas;
- manufacturing buildings;
- residual treatment, storage, and disposal sites;
- storage areas (including tank farms) for raw materials, finished and intermediate products;
- areas containing residual pollutants from past industrial activity;

PART IV. COMPLIANCE AND REPORTING REQUIREMENTS.

A. Annual Facility Source Exposure Inspection (FSEI). Each annual FSEI is to be completed by the anniversary of the permit start date as given in the permit cover letter. The permittee is to create its own FSEI, as the Department does not require that a specific form be used. The results of the FSEI are not to be sent to the Department, but must be kept on site. Tier 3 facilities shall retain the results of each annual FSEI for 3 years.

B. Non-Storm Water Discharge Evaluations. Tier 3 facilities shall maintain the results of their non-storm water evaluations on site. Information retained shall include: date of testing, test method, outfall location, testing results and potential significant sources of non-storm water discovered through testing. Upon discovering non-storm water discharges which are required to be covered by another WPDES permit, the permittee must either seek coverage under another permit from the Department or eliminate the non-storm water discharge.

C. Tier 3 Permittee Unable to Evaluate Outfalls. Any Tier 3 permittee unable to evaluate outfalls for non-storm water discharges shall sign a statement certifying that this requirement could not be complied with, and shall submit the statement to the Department by the end of the year in which the permittee was required to perform the evaluation.

D. Certification Statement. The FSEI and non-storm water evaluations shall be signed in accordance with Part V.M. and contain the following statement:

"I certify under penalty of law that this document and attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information; the information contained in this document is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for providing false information, including the possibility of fine and imprisonment."

E. Requirements Schedule. The following matrix shows when each of the requirements are to be performed during the term of this permit. Year 1 begins with the start date that is specified in the cover letter accompanying this permit.

Requirement		Year 1	Year 2	Year 3	Year 4	Year 5
Annual Facility Source Exposure Inspection (FSEI)		(1)	(1)	(1)	(1)	(1)
Non-Storm Water Discharge Evaluation Choice of method:	End of Pipe Screening	(2)	(2)	(2)	(2)	(2)
	Detailed Testing	(3)				

- (1) Maintain results of inspection on site for at least 3 years.
- (2) Perform visual observations at least twice each year.
- (3) Re-test required after five years.

PART V. STANDARD REQUIREMENTS.

A. NR 205, Wis. Adm. Code. The requirements in ss. NR 205.07(1) and (3), Wis. Adm. Code, are included by reference in this permit. The permittee shall comply with all of these referenced requirements, except for s. NR 205.07(1)(n), which does not apply to facilities covered under General Permits. Selected s. NR 205.07 requirements are outlined in the Standard Requirements section of this permit. Requirements not specifically outlined in this Standard Requirements section can be found in s. NR 205.07(1) or (3), Wis. Adm. Code.

B. Work near Surface Waters and Wetlands. Any work performed in wetland areas or within areas subject to local floodplain and shoreland regulations must conform to all applicable county or local ordinances. All applicable state permits and/or contracts required by chs. 30, 31 and 87, Wis. Stats. (or Wisconsin Administrative Code adopted under these laws), and applicable federal permits must be obtained as necessary.

C. Duty to Comply. Any act of noncompliance with this permit is a violation of this permit and is grounds for enforcement action or withdrawal of permit coverage under this permit and issuance of an individual permit. If the permittee files a request for an individual WPDES permit or a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the permittee of any permit condition.

D. Continuation of the Expired General Permit. The Department's goal is to reissue this general permit prior to its expiration date. However, if that does not occur, s. NR 205.08(9), Wis. Adm.

Code, specifies that an application for reissuance of the permit will be considered to have been submitted for all of the dischargers in the class or category covered by this general permit. The class application for general permit reissuance allows the conditions and requirements of the expired permit to remain in effect until the permit is reissued or revoked.

E. Duty to halt or reduce activity. Upon failure or impairment of best management practices, the permittee shall, to the extent deemed necessary by the Department to maintain compliance with its permit, modify or curtail operations until the best management practices are restored or an alternative method of storm water contamination control is provided.

F. Other Information. When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the application, he or she shall promptly submit such facts or information to Department.

G. Records Retention. All reports and records pertaining to the permittee's coverage under this general permit shall be retained for five years beyond the date of the cover letter notifying a facility of coverage under a storm water permit, and shall be made available to the Department upon request.

H. Notice of Termination. If a facility no longer claims coverage under this general permit, the permittee shall submit a signed notice of termination to the Department.

(1) Notice of Termination (Form 3400-170) forms may be obtained from the Department regional offices or by writing to the Department of Natural Resources, Storm Water Program – WT/2, Box 7921, Madison, WI 53707-7921.

(2) Notice of termination forms shall be filed with the appropriate Department regional office or to the Department of Natural Resources, Storm Water Program, Box 7921, Madison, WI 53707-7921.

(3) Termination of coverage shall be effective upon submittal of written confirmation by the Department to the permittee.

I. Permit actions. As provided in s. 283.53, Wis. Stats., after notice and opportunity for a hearing this permit may be modified or revoked and reissued for cause.

J. Modifications to Permit Requirements. The Department may, upon request of a permittee and/or upon finding of just cause, grant modifications to the compliance and reporting schedules or any requirements of this permit. If the Department took this step at its discretion, it would change this general permit following required public noticing and the change would apply to all dischargers covered under this permit.

K. Duty to Minimize. The permittee shall take all reasonable steps to minimize or prevent any adverse impacts on the waters of the state resulting from non-compliance with this permit.

L. Duty to Provide Information. The permittee shall furnish to the Department, within a reasonable time, any information that the Department may request to determine whether cause exists for modifying, revoking, or reissuing the permit or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records or reports required to be kept by the permittee. The permittee shall notify the Department of any changes in operation that could potentially result in the contamination of storm water.

M. Certification and Signature Requirements. All applications for coverage under this permit, notices of termination, plans and reports or information required by this permit shall be signed by the permittee as follows:

(1) for a corporation, by a responsible corporate officer including president, secretary, treasurer, vice president, manager, or a duly authorized representative having overall responsibility for the operation covered by this permit;

(2) for a unit of government, by a ranking elected official or other duly authorized representative;

(3) for a limited liability company, by a manager; or

(4) for a partnership, by a general partner; and for a sole proprietorship, by the proprietor.

N. Liabilities under Other Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Clean Water Act (33 U.S.C. s. 1321), any applicable State law, or regulation under authority preserved by section 510 of the Clean Water Act (33 U.S.C. s. 1370).

O. Property Rights. The permit does not convey any property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or any invasion of personal rights, or any infringement of federal, state or local laws or regulations.

P. Severability. The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstance is held invalid the remainder of this permit shall not be affected thereby.

Q. Transfers. This permit is not transferable to any person except after notice to the Department. In the event of a transfer of control of a permitted facility, the new owner or operator shall file a new storm water discharge application.

R. Inspection and Entry. Upon the presentation of credentials, the permittee shall allow an authorized representative of the Department to:

(1) enter upon the permittee's premises where a regulated permittee or activity is located or conducted, or when records are required under the conditions of the permit;

(2) have access to and copy, at reasonable times, any records that are required under the conditions of the permit;

(3) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit;

(4) to sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters in storm water at any location; and

(5) inspect a facility requesting Tier 3 coverage in order to evaluate eligibility for Tier 3 coverage.

S. Spill Reporting. The permittee shall immediately notify the Department in accordance with ch. NR 706 (formerly NR 158), Wis. Adm. Code, in the event that a spill or accidental release of any material or substance results in the discharge of pollutants to the waters of the state, unless the spill or release of pollutants has been immediately reported to the Department in accordance with s. NR 205.07 (1)(s), Wis. Adm. Code.

T. Submitting Records. Unless otherwise specified, any reports submitted to the Department of Natural Resources in accordance with this permit shall be submitted to the Department office identified in the attached cover letter.

U. Notification of Noncompliance. Reports of noncompliance with requirements contained in any compliance schedule of the permit shall be submitted in writing within 14 days of the permittee becoming aware of the noncompliance. Any report of noncompliance shall include: a description of the noncompliance; its cause; the steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance; and the effect of the noncompliance on the permittees ability to meet remaining schedules.

V. Enforcement. Any violation of s. 283.33, Wis. Stats., ch. NR 216, Wis. Adm. Code, or this permit is enforceable under s. 283.89, Wis. Stats.